

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DALIA MARQUEZ BERNAL,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:14CR23-2
	)	1:15CV521
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

ORDER

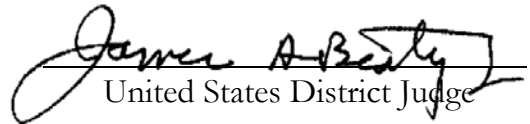
On May 10, 2016, United States Magistrate Judge L. Patrick Auld filed a Recommendation (“Recommendation I”) with the Court, in accordance with 28 U.S.C. § 636(b), recommending dismissal of Petitioner’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence [Doc. # 50] without issuance of a certificate of appealability. [Doc. # 57.] Petitioner moved to amend her Section 2255 motion [Doc. # 59], and objected to Recommendation I [Doc. # 60]. On June 13, 2016, the Magistrate Judge filed a second Recommendation (“Recommendation II”) with the Court that Petitioner’s request to amend her Section 2255 motion be denied as futile, without issuance of a certificate of appealability. [Doc. # 61.] Petitioner moved to amend her Section 2255 motion “in Light of the Retroactive Effect of Johnson V United States” [Doc. # 64], and filed objections to Recommendation II [Doc. # 65]. On July 18, 2016, the Magistrate Judge filed a third Recommendation (“Recommendation

III”) with the Court that Petitioner’s second request to amend her Section 2255 motion be denied as futile, without issuance of a certificate of appealability. [Doc. # 67.] Petitioner objected to Recommendation III. [Doc. # 69.]

The Court has appropriately reviewed the portions of the Magistrate Judge’s Recommendations I, II, and III to which objection was made, and has made a de novo determination in accord with those Recommendations. The Court therefore adopts the Magistrate Judge’s Recommendations I, II, and III.

IT IS THEREFORE ORDERED that Petitioner’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence [Doc. # 50] is DISMISSED. IT IS FURTHER ORDERED that Petitioner’s “Additional Grounds to a Previously Submitted Motion pursuant to 28 U.S.C. 2255 to Vacate Sentence in Light of Ineffective Assistance of Counsel” [Doc. # 59] and “Additional Ground to a Previously Submitted 28 U.S.C. 2255 in Light of the Retroactive Effect of Johnson V United States” [Doc. # 64] are denied as futile. A Judgment dismissing this action will be entered contemporaneously with this Order.

Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

  
United States District Judge

Date: August 23, 2016